

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2416

To provide for the preservation, interpretation, development and beneficial use of natural, cultural, historic and scenic resources that are a source of values important to the people of the United States through a national partnership system of heritage areas.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 1993

Mr. HINCHEY introduced the following bill; which was referred to the  
Committee on Natural Resources

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## A BILL

To provide for the preservation, interpretation, development and beneficial use of natural, cultural, historic and scenic resources that are a source of values important to the people of the United States through a national partnership system of heritage areas.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Partnership  
5       System of Heritage Areas Act”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—The Congress finds that certain  
3 areas of the United States—

4 (1) embody essential aspects of our national  
5 heritage and identity;

6 (2) are a composite of outstanding natural, cul-  
7 tural, historic, and scenic resources that retain a  
8 high degree of integrity;

9 (3) represent the diversity of the national char-  
10 acter through the interaction of natural processes,  
11 distinctive landscapes, cultural transitions, and eco-  
12 nomic and social forces that have combined to create  
13 a unique pattern of human settlement and activity;

14 (4) exhibit valued qualities of the American ex-  
15 perience and provide important conservation, rec-  
16 reational, educational, interpretive, and economic  
17 opportunities;

18 (5) may be urban, suburban, or rural; corridors,  
19 landscapes, parks or cityscapes; or combinations  
20 thereof, and reflect a broadened idea of a park;

21 (6) are lived-in, dynamic environments in which  
22 change continues to take place;

23 (7) may already be identified, designated, and  
24 managed as part of State urban cultural park or  
25 heritage area systems; National Heritage Corridors  
26 or regional greenways;

1           (8) are distinguished by their size, complexity,  
2           character, and dynamic nature from existing units of  
3           the National Park System and although their nature  
4           could make public acquisition and management inap-  
5           propriate, they require partnerships of Federal,  
6           State, local, and private entities to identify, plan,  
7           and manage these areas in a manner consistent with  
8           their resources and values and compatible with, and  
9           support of, their continued economic viability; and

10          (9) despite existing efforts by States and local-  
11          ities and existing Federal programs, the cultural and  
12          natural resources in both urban, suburban and rural  
13          areas are often lost because the demands for preser-  
14          vation, interpretation, management, or urban and  
15          rural revitalization cannot be adequately met by any  
16          one level of government or concerned agency.

17          (b) PURPOSES.—The purposes of this Act are—

18               (1) to establish a national partnership system  
19               providing Federal financial and technical assistance  
20               to State and local governments, private organiza-  
21               tions, or any combination thereof, for heritage areas  
22               that provide outstanding, educational, recreational,  
23               inspirational and economic opportunities for this and  
24               future generations;

25               (2) to establish an advisory commission; and

1           (3) to prescribe the methods by which, and the  
2           standards according to which, areas or State sys-  
3           tems or programs become designated and part of the  
4           national system.

5 **SEC. 3. DEFINITIONS.**

6           For the purpose of this Act:

7           (1) The term “National Heritage Area or  
8           Park” means a definable urban or geographic area  
9           of public and private uses ranging in size from a  
10          portion of a municipality to a regional area with a  
11          special coherence, such area being distinguished by  
12          physical and cultural resources and features (natural  
13          or man-made, including waterways, buildings, struc-  
14          tures and historic districts, scenic views, or artifacts  
15          reflecting a period of style, cultural or natural herit-  
16          age) of greater than local significance and meaning  
17          which play a vital role in the life of the community  
18          and contribute through interpretive, educational, and  
19          recreational use and economic vitality to the public  
20          at large.

21          (2) The term “Commission” means the Na-  
22          tional Partnership Heritage Area Advisory Commis-  
23          sion established by section 4 of this Act.

24          (3) The term “Secretary” means the Secretary  
25          of the Interior.

1 **SEC. 4. NATIONAL HERITAGE AREA ADVISORY COMMIS-**  
2 **SION.**

3 (a) ESTABLISHMENT.—There is hereby established a  
4 commission to be known as the National Partnership Her-  
5 itage Area Advisory Commission (hereafter in this Act re-  
6 ferred to as the “Commission”).

7 (b) MEMBERSHIP.—The Commission shall be com-  
8 posed of 25 members, to be appointed as follows:

9 (1) Four members of the Senate, appointed by  
10 the majority leader of the Senate.

11 (2) Four members of the House of Representa-  
12 tives, appointed by the Speaker of the House of Rep-  
13 resentatives.

14 (3) Six members, one appointed by each of the  
15 following: the Secretary of the Interior, the Sec-  
16 retary of Housing and Urban Development, the Sec-  
17 retary of Transportation, the Secretary of Com-  
18 merce, the Secretary of Agriculture, and the Admin-  
19 istrator of the Environmental Protection Agency.

20 (4)(A) Eleven members, appointed by the Presi-  
21 dent, who are not officers or employees of the Unit-  
22 ed States.

23 (B) Seven of the members appointed under this  
24 paragraph shall be officers of a State or a political  
25 subdivision of a State, and four of the members ap-

1       pointed under this paragraph shall not be officers or  
2       employees of any government.

3           (C) The members appointed under this para-  
4       graph shall have knowledge of and experience in  
5       urban, suburban, or rural affairs and shall represent  
6       a geographical cross section of the United States.

7       (c) CHAIRPERSON.—The Commission shall elect a  
8       Chairperson from among its members other than the  
9       member designated by the Secretary of the Interior.

10       (d) TERMS.—Members of the Commission shall be  
11       appointed for terms of four years, except that seven of  
12       the members first appointed by the President shall serve  
13       terms of three years, and members appointed under sub-  
14       section (b)(3) shall serve at the pleasure of the Secretary  
15       or Administrator making the appointment.

16       (e) VACANCY.—A vacancy on the Commission shall  
17       be filled in the manner in which the original appointment  
18       was made.

19       (f) PAY; EXPENSES.—Members of the Commission  
20       shall serve without compensation as such. All members of  
21       the Commission shall receive reimbursement for necessary  
22       travel and sustenance expenses incurred by them in the  
23       performance of the duties of the Commission in the same  
24       manner as persons employed intermittently in Government

1 service are allowed under section 5703 of title 5, United  
2 States Code.

3 **SEC. 5. DUTIES.**

4       The Commission shall advise the Secretary in the cre-  
5 ation and administration of the National Partnership Sys-  
6 tem of Heritage Areas, including (but not limited to) mat-  
7 ters relating to partnership studies, recommendations for  
8 national designation by Congress, and mechanisms for co-  
9 ordinating Federal activities which affect National Herit-  
10 age Areas or Parks and for coordinating Federal, State,  
11 local and private interests in each such area or park.

12 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

13       (a) EXPERTS AND CONSULTANTS.—The Commission  
14 may procure, in accordance with the provisions of section  
15 3109 of title 5, United States Code, the temporary or  
16 intermittent services of experts or consultants who, while  
17 away from his or her home or regular place of business  
18 in the performance of services for the Commission, may  
19 be allowed travel expenses, including per diem in lieu of  
20 subsistence, as authorized by section 5703(b) of title 5,  
21 United States Code, for persons in the Government service  
22 employed intermittently.

23       (b) INFORMATION.—Each department, agency, and  
24 instrumentality of the United States shall furnish to the  
25 Commission, upon request made by the Chairman, on a

1 reimbursable basis or otherwise, such statistical data, re-  
2 ports, and other information as the Commission deems  
3 necessary to carry out its functions under this Act. The  
4 Chairman may call upon the departments, agencies, and  
5 other offices of several States to furnish, on a reimburs-  
6 able basis or otherwise, such statistical data, reports, and  
7 other information as the Commission deems necessary to  
8 carry out its functions under this Act.

9       (c) HEARINGS.—The Commission or, on the author-  
10 ization of the Commission, any subcommittee or member  
11 thereof, may, for the purpose of carrying out the provi-  
12 sions of this Act, hold hearings, take testimony, and ad-  
13 minister oaths or affirmations to witnesses appearing be-  
14 fore the Commission or any subcommittee or member  
15 thereof.

16 **SEC. 7. HERITAGE PARTNERSHIP STUDIES.**

17       (a) GRANTS.—The Secretary may make grants to as-  
18 sist in studies that identify and plan for heritage areas  
19 or State systems or programs for heritage areas. These  
20 studies shall also provide a means for evaluating candidate  
21 areas and systems for further Federal involvement upon  
22 authorization by Congress. No such grant may exceed 50  
23 percent of the cost of conducting the study.

24       (b) PROCEDURES.—



1           (1) ELIGIBILITY.—Applicants for grants under  
2       this section may be States, or any political subdivi-  
3       sions thereof, or private nonprofit entities, or any  
4       combination of the foregoing.

5           (2) PRIORITY.—The Secretary shall submit  
6       grant applications on an annual basis to the Com-  
7       mission, and after consideration of the recommenda-  
8       tions of the Commission, if any, the Secretary shall  
9       place such grant applications as have been received  
10      during the prior year in order of priority for finan-  
11      cial assistance.

12      (c) CRITERIA.—In reviewing applications for assist-  
13      ance for individual areas the Secretary shall consider  
14      whether—

15           (1) the planning area represents in physical  
16      form, an important theme, or themes, in United  
17      States history;

18           (2) the planning area reflects values such as  
19      traditions, customs, beliefs, and folk life in the phys-  
20      ical features of the urban setting or landscape;

21           (3) the planning area provides outstanding op-  
22      portunities to conserve natural and cultural features,  
23      link them to provide educational, recreational and  
24      economic benefits, enhance biodiversity, improve air

1 and water quality, and emphasize other attributes  
2 important to human health and welfare;

3 (4) the planning area is an archetypical exam-  
4 ple of a natural region or urban setting;

5 (5) the planning area has strong local support  
6 for the study from a diversity of landowners, busi-  
7 ness interests, nonprofit organizations, and govern-  
8 ments within the proposed study area;

9 (6) the planning area has a high potential for  
10 effective partnership mechanisms;

11 (7) the proposal is consistent with or com-  
12 plements continued economic activity in the area;

13 (8) resources important to the principal themes  
14 of the area retain their integrity;

15 (9) there is a clear potential of matching funds  
16 from State and local public and private sources; and

17 (10) with respect to assistance for State sys-  
18 tems or programs, the State system or program in-  
19 cludes individual areas which meet the criteria pro-  
20 vided in this section for individual areas with a sig-  
21 nificant partnership role performed by State govern-  
22 ment in the form of designations, maintenance of  
23 standards, and technical and financial assistance.

1 (d) STUDY CONTENT.—The grantee shall prepare a  
2 report of the study. Each study report shall include the  
3 following:

4 (1) A description and analysis of the natural,  
5 cultural, historic, and scenic resources and associ-  
6 ated values and the educational, interpretive, and  
7 recreational opportunities that make it important to  
8 the heritage of the United States.

9 (2) A map of the study area, or of the areas in  
10 a State system or program in the case of a State  
11 system.

12 (3) A statement of goals and policies to guide  
13 the future of the area or areas in a State system or  
14 program under study.

15 (4) An analysis of measures that have been, are  
16 in the process of, or may be taken by Federal, State,  
17 and local governments, and by all other private and  
18 public entities, to conserve these resources and asso-  
19 ciated values, including scenic values, while en-  
20 hancing educational, interpretive, and recreational  
21 opportunities.

22 (5) A description of the appropriate manage-  
23 ment entity or entities.

1           (6) An analysis of current and future potential  
2       uses of the area, or of the areas in a State system  
3       or program.

4           (7) A public involvement plan.

5           (8) A strategy for identifying sources of revenue  
6       and assistance to aid in the future management or  
7       protection of the area, or of the areas in a State sys-  
8       tem or program.

9           (9) In the case of State systems or programs,  
10      a management framework, and the management  
11      framework and process for each individual area and  
12      for the overall system.

13      (e) TECHNICAL ASSISTANCE.—If the grantee re-  
14      quests, the Secretary may provide technical assistance in  
15      the conduct of the study through the National Park Serv-  
16      ice to the extent that the National Park Service has re-  
17      sources available to provide such assistance. Nothing in  
18      the Act shall be construed to prohibit the Secretary from  
19      providing technical or financial assistance under any other  
20      provision of law.

21      (f) RECOMMENDATIONS FOR NATIONAL DESIGNA-  
22      TION.—

23           (1) REPORT.—Upon completion of the study,  
24      the grantee shall submit the report of such study to

1 the Secretary and advise if the grantee requests na-  
2 tional designation.

3 (2) REVIEW BY COMMISSION.—The Secretary  
4 shall provide those study reports requesting national  
5 designation and areas which have been studied by  
6 the National Park Service to the Commission for its  
7 advice and recommendations. The Commission shall  
8 advise the Secretary of those areas and systems or  
9 programs, in priority order, it recommends be pro-  
10 posed for national designation by the Congress based  
11 on complete studies.

12 (3) RECOMMENDATIONS BY SECRETARY.—The  
13 Secretary shall submit to the Congress study reports  
14 of those areas and systems or programs the Sec-  
15 retary recommends for national designation together  
16 with any comments which the Secretary deems  
17 appropriate.

18 **SEC. 8. ESTABLISHMENT OF A NATIONAL PARTNERSHIP**  
19 **SYSTEM OF HERITAGE AREAS.**

20 (a) IN GENERAL.—There is hereby established a Na-  
21 tional Partnership System of Heritage Areas, which shall  
22 consist of National Heritage Areas or Parks and nation-  
23 ally designated State systems or programs of heritage  
24 areas designated pursuant to subsection (b) of this  
25 section.

1       (b) DESIGNATION OF NATIONAL HERITAGE  
2 AREAS.—The following areas are hereby designated as  
3 components of the National Partnership System of Herit-  
4 age Areas:

5           (1) National Heritage Corridors established by  
6 law.

7           (2) New York State Urban Cultural Park  
8 System.

9 **SEC. 9. MANAGEMENT PLANS.**

10       (a) SUBMISSION BY GOVERNOR.—Within two years  
11 after designation pursuant to section 8(b) of the Act, the  
12 Secretary shall request the Governor of the State in which  
13 the designated area or system is located to submit a man-  
14 agement plan to the Secretary for review and approval.  
15 The Secretary may, upon request of a Governor, provide  
16 technical assistance to the Governor in the preparation  
17 and implementation of the management plan. The man-  
18 agement plan shall take into consideration existing State,  
19 county, and local plans, and present a unified heritage  
20 preservation and interpretation plan for the area or each  
21 area in the State system or program.

22       (b) ROLE AND CONTENTS.—Management plans shall  
23 be the fundamental document defining the goals and  
24 boundaries for each area or system or program and the  
25 means for the implementation and management of the Na-

1 tional Heritage Area or Park. A management plan shall  
2 include (but need not be limited to) the following:

3           (1) The boundaries of the area set forth in text  
4           and depicted on a map. Zones within the area shall  
5           be identified for particular nature and intensity of  
6           use, including those zones most appropriately de-  
7           voted to public use and development by State or  
8           local government; and private use. Boundaries shall  
9           be located as deemed necessary or desirable for the  
10          purposes of resource protection, scenic integrity, and  
11          management and administration in furtherance of  
12          the purposes of this Act, and the estimated cost  
13          thereof.

14          (2) An inventory and designation of the natural  
15          and cultural resources.

16          (3) Statement of the goals and objectives.

17          (4) Identification of the types of uses, both pub-  
18          lic and private, to be accommodated and, in case of  
19          a system or program, their linkages to the overall  
20          statewide system.

21          (5) Identification of properties, if any, to be  
22          acquired.

23          (6) Description of the interpretive and edu-  
24          cational exhibits and programs to be undertaken.

1           (7) Description of the program for encouraging  
2           and accommodating visitation.

3           (8) An economic assessment of the long- and  
4           short-term costs and benefits related to the estab-  
5           lishment, operation and maintenance, including com-  
6           prehensive estimate of the costs of implementing the  
7           management plan identified by source of funding  
8           and specifically delineating expected State, local,  
9           Federal and private contributions.

10          (9) Description of the techniques or means for  
11          the preservation and protection of the natural and  
12          cultural resources within the National Heritage Area  
13          or Park, including means such as proposals and rec-  
14          ommendations for appropriate local governmental  
15          policies for designation and protection of historic  
16          properties or natural areas to assure that future  
17          local actions will be consistent with established and  
18          agreed upon preservation standards or criteria.

19          (10) Description of the organizational structure  
20          to be utilized for planning, development and man-  
21          agement, including the responsibilities and inter-  
22          relationships of local, regional and State agencies in  
23          the management process, and a program to provide  
24          maximum feasible primary participation in the im-  
25          plementation of the management plan. Such organi-



1 zational structures may include (but not be limited  
2 to) utilization of existing State and local agencies for  
3 administrative and finance purposes through con-  
4 tracts and letters of agreement between State and  
5 local agencies or, where necessary, proposed legisla-  
6 tion for new entities to administer and finance im-  
7 plementation of a management plan.

8 (11) A schedule for the planning, development  
9 and management. Each management plan must  
10 demonstrate that the capability exists at the State  
11 and local level to implement and manage the herit-  
12 age area or system or program including, but not  
13 limited to, the ability to—

14 (A) accept and disburse funds;

15 (B) acquire, improve and dispose of prop-  
16 erty;

17 (C) manage, operate, and maintain appro-  
18 priate facilities identified as being of local re-  
19 sponsibility without State financial assistance;  
20 and

21 (D) promulgate and enforce land use and  
22 preservation criteria and standards as required  
23 to protect the resources within each area or sys-  
24 tem or program.

25 (c) APPROVAL OF THE MANAGEMENT PLAN.—

1           (1) IN GENERAL.—The Secretary shall approve  
2           or disapprove a plan within 120 days of his receipt  
3           of the plan from a Governor. No plan submitted to  
4           the Secretary under this section shall be approved  
5           unless the Secretary finds that the plan, if imple-  
6           mented, would adequately protect the significant  
7           natural, cultural, historic and scenic resources of the  
8           area or areas within a State system or program and  
9           provide high quality educational, interpretive, and  
10          recreational opportunities consistent with the values  
11          of the area.

12          (2) CONSIDERATIONS.—In determining whether  
13          or not to approve the management plan, the Sec-  
14          retary shall consider whether—

15                (A) the Governor has afforded adequate  
16                opportunity, including public hearings, for pub-  
17                lic and governmental involvement in the prepa-  
18                ration of the plan; and

19                (B) the Secretary has received adequate  
20                assurances from appropriate State and local  
21                governmental officials that the recommended  
22                implementation program identified in the plan  
23                will be initiated within a reasonable time after  
24                the date of approval of the plan and such pro-

1           gram will ensure effective implementation of the  
2           State and local aspects of the plan.

3           (3) PROCEDURE AFTER DISAPPROVAL.—If the  
4           Secretary disapproves the management plan, the  
5           Secretary shall advise the Governor in writing of the  
6           reasons therefor and shall indicate any recommenda-  
7           tions for revisions. Within six months, the Governor  
8           may resubmit the plan to the Secretary, who shall  
9           approve or disapprove the plan as revised within 120  
10          days after the date that the revised plan is submit-  
11          ted. The Secretary shall approve or disapprove sub-  
12          sequent revisions of the plan in the same manner as  
13          if each such revised plan were first submitted pursu-  
14          ant to subsection (a).

15          (d) IMPLEMENTATION OF THE MANAGEMENT  
16          PLAN.—

17               (1) IN GENERAL.—After review and approval of  
18               the plan by the Secretary, priority in the implemen-  
19               tation of the management plan shall be given to ac-  
20               tions that assist in—

21                     (A) preserving the significant natural, cul-  
22                     tural, historic and scenic resources of the area  
23                     or areas in an approved system or program;

24                     (B) promoting and providing educational,  
25                     interpretive, and recreational opportunities con-

1           sistent with the resources and associated values  
2           of the area or areas in an approved system or  
3           program; and

4           (C) supporting public and private efforts in  
5           economic revitalization that contribute to the  
6           goals of the plan.

7           (2) PRIORITY ACTIONS.—Priority actions to be  
8           carried out under paragraph (1) shall include—

9           (A) assisting the State and political sub-  
10          divisions thereof in appropriate treatment of the  
11          districts, sites, buildings, structures, and ob-  
12          jects listed or eligible for listing on the National  
13          Register of Historic Places;

14          (B) encouraging high quality and appro-  
15          priate visitor use facilities, interpretive exhibits,  
16          tour routes and clear and consistent signage  
17          throughout the area;

18          (C) assisting in the enhancement of public  
19          awareness of and appreciation for the resources  
20          and associated values of the area;

21          (D) encouraging the conservation of natu-  
22          ral resources, historic and scenic landscapes;

23          (E) encouraging enhanced economic devel-  
24          opment in the area in furtherance of the goals  
25          of the plan;

1           (F) encouraging local governments to  
2           adopt policies consistent with the goals of the  
3           plan and to take actions to implement those  
4           policies; and

5           (G) encouraging States to develop system  
6           policies and programs for areas therein.

7       (e) ANNUAL REPORTS.—

8           (1) MANAGEMENT ENTITY.—The management  
9           entity for each designated area or for a designated  
10          system or program shall submit an annual report to  
11          the Secretary setting forth its expenses and income  
12          and the entities to which any loans and grants pur-  
13          suant to this Act were made during the year for  
14          which the report is made.

15          (2) SECRETARY.—The Secretary shall submit  
16          an annual report to the Congress describing the  
17          loans, grants, and technical assistance provided  
18          under this Act. Such report shall specify the  
19          amount, recipient, and purpose of any loan, grant,  
20          or technical assistance so provided and shall include  
21          an analysis of the adequacy of actions taken during  
22          the previous year to preserve, protect, and interpret  
23          the significant sites, buildings, structures and ob-  
24          jects within the area; as well as the anticipated  
25          funds and personnel to be made available by the

1 Secretary during the next fiscal year to implement  
2 the provisions of this Act.

3 **SEC. 10. DUTIES OF THE SECRETARY.**

4 Following approval of a management plan under sec-  
5 tion 9, the Secretary shall provide technical and financial  
6 assistance to each management entity of an area, or to  
7 each system or program which shall regrant funds to indi-  
8 vidual areas within the system or program, to implement  
9 an approved management plan.

10 **SEC. 11. DUTIES OF OTHER FEDERAL ENTITIES.**

11 Any Federal entity conducting or supporting activi-  
12 ties directly affecting a designated area or area within a  
13 designated system or program, and any entity of a State  
14 or political subdivision thereof acting pursuant to a grant  
15 of Federal funds or a Federal permit or agreement con-  
16 ducting or supporting such activities, shall—

17 (1) consult with the Secretary and the manage-  
18 ment entity for the area with respect to such  
19 activities;

20 (2) cooperate with the Secretary and the man-  
21 agement entity carrying out their duties under this  
22 Act and, to the maximum extent practicable, coordi-  
23 nate such activities with the carrying out of such  
24 duties;

1           (3) conduct or support such activities in a man-  
2           ner which the management entity in carrying out  
3           their duties under this Act and, to the maximum ex-  
4           tent practicable, coordinate such activities with the  
5           carrying out of such duties; and

6           (4) conduct or support such activities in a man-  
7           ner which the management entity determines will  
8           not have an adverse effect on the area.

9   **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

10          There is authorized to be appropriated such sums as  
11          may be necessary to carry out this Act, but not to exceed  
12          the following amounts for the purposes specified:

13               (1) STUDY GRANTS.—For grants and assistance  
14               in carrying out partnership studies pursuant to sec-  
15               tion 7, \$4,500,000 annually, of which not more than  
16               \$500,000 shall be available to defray the cost of  
17               technical assistance provided by the Secretary.

18               (2) PLANNING AND IMPLEMENTATION.—To as-  
19               sist in the preparation of plans as specified in sec-  
20               tion 9 and in the implementation of approved herit-  
21               age area or system plans, \$75,000,000 annually.

22               (3) COMMISSION OPERATIONS.—For the operat-  
23               ing costs of the Commission, \$350,000 annually.

1 **SEC. 13. EXPIRATION OF AUTHORITIES.**

2       The authorities contained in this Act shall expire on  
3 September 30 of the 25th year beginning after the date  
4 of enactment of this Act.

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HR 2416 IH——2